

## REMARKS/ARGUMENTS

This responds to the office action mailed on January 29, 2004. Claims 1-37 are pending in the present application. Claims 1, 5, 13, and 24 have been amended. Claims 1, 4, 6-9, 12, 14-17, 20, 22, 23 and 37 are rejected. Claims 2, 3, 5, 10, 11, 13, 18, 19, 21 and 24-36 are objected to. Claims 38, 39 and 40 have been added. Reconsideration and allowance of the claims is respectfully requested in view of the following remarks.

Claims 38-40 contain subject matter the Examiner indicated would be allowable.

### The 35 U.S.C. §112 Rejections

The Examiner rejected claim 37 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner maintains that there is insufficient antecedent basis for the limitation “the interface” in line 1. Claim 37 ultimately depends from claim 34, which recites, in part, “a processor runtime diagnostic (PRD) code . . . wherein the PRD accesses each of the plurality of devices through an interface within the service processor.” Applicant maintains that claim 34 provides sufficient antecedent basis for claim 37.

### The 35 U.S.C. §102(e) Rejections

The Examiner rejected claims 1, 4, 6-9, 12, 14-17, 20, 22, and 23 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,000,040 to Culley et al. (Culley). The test for anticipation is symmetrical to the test for infringement and has been stated as: “That which would literally infringe [a claim] if later in time anticipates if earlier than the date of invention.”

*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir.

1989); *Connell v. Sears Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. 1931, 1938 (Fed. Cir. 1983). Moreover, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Also, each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. MPEP 2131.

Culley discloses that system management remote ASICs (SMRs) receive error and interrupt information that can result from correctable or uncorrectable data or address errors on the host bus. Col. 3 line 61 – col. 4 line 1. Eventually, the contents of the SMR’s status and interrupt registers or the contents of the error registers are then stored in the NVRAM. Next, the diagnostic program checks the type of fault detected. There are three general types of faults: system-type critical faults requiring that the entire computer server S be shut down; sub-system critical faults in which a sub-system in the server S has to be shut down; and non-critical faults. Col. 5 line 60 – col. 6 line 3.

Claim 1 recites, in part, “a method for managing an uncorrectable data error (UE) as the UE passes through a plurality of devices in a central electronic complex (CEC), the method comprises . . . (c) analyzing the UE-RE attention signal by the diagnostic system to produce an error log with a list of failing parts and a record of the log.” First, Culley fails to disclose analyzing the UE-RE attention signal by the diagnostic system to produce an error log with a list of failing parts and a record of the log. In two of the three general types of faults disclosed by Culley, there is a shut down and eventual restart of a system in which the fault was found. “If a system-type critical fault is detected, then the entire computer server S is reset and shut down 312. If a sub-system critical fault is detected, then the faulty sub-system is reset 314. From steps 312, 314, or

316, the diagnostic program 224 sends 316 an alert along with information associated with the faulty condition to an administrator or service provider (located locally or remotely). Such information includes the NVRAM log information associated with *the device* as well as any diagnostic information generated by the diagnostic program.” (emphasis added) Col. 6 lines 4-13. Culley specifically recites that system and sub-system critical faults prompt a restart while the relevant log information is associated with a device (the device), rather than an error log with a list of failing parts (plural), as recited in claim 1. Culley teaches against claim 1 by disclosing that the systems may be shut down and restarted rather than allowing the fault to pass to a plurality of devices, and producing an error log with a list of failing parts.

Second, Culley fails to specify what type of fault, if any, uncorrectable data errors fall under. If uncorrectable data errors are system and sub-system critical, then a restart of those systems suggests that the errors are not allowed to pass through a plurality of devices and therefore an error log with a list of failing parts is not produced. Culley’s failure to disclose what type of fault an uncorrectable data fault is and an error log with a list of failing parts, rather than a device, is a failure to anticipate “a method for managing an uncorrectable data error (UE) as the UE passes through a plurality of devices in a central electronic complex (CEC), the method comprises . . . (c) analyzing the UE-RE attention signal by the diagnostic system to produce an error log with a list of failing parts and a record of the log.” Therefore, Culley fails to anticipate claim 1 and claim 1 is in condition for allowance.

Claim 1 is an independent claim and is in condition for allowance. Because the secondary references stand or fall with the primary references, claims are allowable because they are dependent upon the allowable independent claims. Therefore claims 4 and 6-8, which depend from claim 1, are not anticipated by Culley.

Claim 9 recites, in part, a computer readable medium containing program instructions for managing an uncorrectable data error (UE) as the UE passes through a plurality of devices in a central electronic complex (CEC), the program instructions for . . . (c) analyzing the UE-RE attention signal by the diagnostic system to produce an error log with a list of failing parts and a record of the log. Although claim 9 differs from claim 1, the same argument applied to claim 1 applies to claim 9. Culley fails to anticipate claim 9, therefore claim 9 is in condition for allowance.

Claim 9 is an independent claim and is in condition for allowance. Because the secondary references stand or fall with the primary references, claims are allowable because they are dependent upon the allowable independent claims. Therefore claims 12 and 14-16, which depend from claim 9, are not anticipated by Culley.

Claim 17 recites, in part, a service processor for managing an uncorrectable data error (UE) as the UE passes through a plurality of devices in a central electronic complex (CEC), the service processor comprises . . . a diagnostic system for receiving the attention signal and for analyzing the UE-RE attention signal to produce an error log with a list of failing parts and a record of the log. Although claim 17 differs from claim 1, the same argument applied to claim 1 applies to claim 17. Culley fails to anticipate claim 17, therefore claim 17 is in condition for allowance.

Claim 17 is an independent claim and is in condition for allowance. Because the secondary references stand or fall with the primary references, claims are allowable because they are dependent upon the allowable independent claims. Therefore claims 20, 22, and 23, which depend from claim 17, are not anticipated by Culley.

The Claim Objections

The Examiner objected to claims 2, 3, 4, 10, 11, 13, 18, 19, 21, and 24-37 for failing to provide a definition for the “CS” acronym upon initial use in the claims. The term “SUE-CS” is defined in the specification on page 5 as “an attention to SP which signifies that a particular SUE condition has been detected from which system recovery is not feasible.” Applicant believes this definition provides clarity to the claim language.

Claims 1-37 are in condition for allowance and Applicant believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant’s attorney at the telephone number indicated below.

Respectfully submitted,

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Date